

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

HARLEY DANIEL DEGROAT, and  
REBECCA MARIE HERNANDEZ,

Defendants.

**4:21CR3009**

**ORDER**

Defendant Hernandez has moved to continue the trial, (Filing No. 15), because Defendant and defense counsel need additional time to fully review the discovery and investigate this case. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Hernandez's motion to continue, (Filing No. 15), is granted.
- 2) As to both defendants, trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on November 1, 2021, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to both defendants, the additional time arising as a result of the granting of the motion, the time between today's date and November 1, 2021 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is

needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 3rd day of September, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge